1938. **File No.** 2163/36

P. W. DEPARTMENT

M BRANCH

Subject:— Legislatures.

Provincial Governments

Procedure of dealing with questions

re: subjects pertaining to Central Govt.

A 1938

File No. 2163/36-M

Sta. Sectt. Slip 24-A

G R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

: File No. 2163/36

P. W. DEPT.

N BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Government of India.

Railway Department.

(Railway Board.)

No. 447/E/21.

Delhi , the 28th November 1923.

To

The Secretary to the Government of Bombay, P.W.D.

Sir,

Provincial Councils and Railway Subjects.

The Rialway Board's letter No.447/E/21, dated the 12 th May 1921, to the Government of Bengal, a copy of which was forwarded to other local Governments, conveyed opinion of the Government of India on the method of dealing with interpellation in Provincial Councils relating to railway subjects.

2. Since there appears to be some misunderstanding about the correct interpretation of these views, I am to say that the Government of India consider that questions relating to railways in general, or those affecting the policy of a railway or system of railways (i.e. fencing of a line) or which refer to matters of pay ad allowances of the staff, concessions and such like subjects, should be put in the Central Legislature. They would suggest therefore that the Presidents of Provincial Councils should be moved to disallow every such question under rule 7, but that if any such question is admitted the answer should be that the question relates to a central subject and Government are not in a position to answer it.

3. Questions which ask for information and facts on matters of local interest should be delat with in the Local Councils and the President should not be move to disallow them . In this category may be included questions dealing with matters such as provision of level crossings, waterways for irrigation, third class passenger accommodation at any specific station and suitability of the local train service, as also any other public; but, in this connetion, I am to suggest that when such questions ask for an expression of opinion or are otherwise inadmissible under the rules or standing orders, the President

% matters of purely local interest affecting the Convenience of Passengers and.

could be moved to disallow them.

4. I am further to observe that since the issue of Rialway Board's letter No.447-E/21, dated the 12th May 1921, Local Advisory Committee have been set up at the Headquarters of all the more important Rialway Administrations, and it is suggested that with the advent of these Committees a machinery exists for dealing with many of the questions which would, in accordance with the instructions already issued, be dealt with in the Local Councils, and the Government of India are of opinion that asthe work of these Local Advisory Committees becomes better understood and their employment more extended the necessity for interpellation regarding comparatively minors matters of local interest in regard to Rialway Working in Local Councils will largely cease.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- S.Tomkins,

D.A :- Nil. Secretary Rialway Board.

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Government of India .

R A I L W A Y D E P A R T M E N T .

(Rialway Board.)

No. E 37LG10.

New Delhi, the 19th Janaury 1938.

To

The Secretary ,

Legislative Council,

United Provinces .

Sir,

PROVINCIAL COUNCILS AND RAILWAY SUBJECTS.

With reference to Rai Sahib, K.C. Bhatnagar's letter No. 305(1) L.C., dated the 1st October 1937, on the subject indicated above, I am directed to state that it will be observed that Government of India, Rialway Department(Railway Board)'s letter No. 447/E/21, datedthe 28th November 193 , did not purport to issue instructions for the guidance of Hon'ble the

Presidents of the Legislative Councils. It merely conveyed to the Local Governments of that time the views of the Government of India regarding the circumstances in which it would and the circumstances in which it would and the circustancesin which it would not be propor to move the Hon ble the President of a Council to disallow questions on railway subjets. The Government of Indáa consider that the criteria suggested in the Railway Board's letter refereed to above, for distinguishing questions which can and question which cannot be properly put in the provincial liegislatures on railway subjects remain appropriate in the posiyion proddced by the new constitution under the Government of India Act, 1935.

I have the honour to be,

Sir,

Your mut obedient servant,

Sd/-

SECRETARY, RAILWAY BOARD.

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No. E 37LG 10. , dated the 19th January 1938.

Copy forwarded to the Secretaryes to the Governments of Madras, Bengal, Punjab, Assam, Central Provincies, Bihar, Orissa, Sind, Bombay and North West Frontier Province with the request that if they have no objection the criteria referred to above may be adopted in respect of questions on railway subjects in the provincial councils.

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Sd/-

SECRETARY, RAILWAY BOARD.

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Below oppies of the Ry. Board's endt. No.E.37/L.G.10, dated 19.1.38 and of its accompt.

No. 2162/36-Ry.
Public Works Deptt.
B.C., 10th Feb. 1938.

Copies forwarded to the Secy. to the Bombay Leg. Assembly for information with reference to this Deptt. memo. No. 5166-Ry., dated 23.1.24.

By order of the Govr. of Bombay,

Sd/-
5.2.38

Copy of U.O.N. No."8 .N.G.E./354-38 dated 12.1.39 from the Auditor Genera General of India to the Comptroller Assam.

Will Comptorller please refer to his un-official Note No. W.A.43, dated the 19th August 1938, in which he enquired whether questions concering the recruitment and administration etc. of Divisional Accountants can be asked both in the Central and Provincial Legislature?

2. As the subject of the questions which has stimulated the enquiry was one which was under the control of the Central and not of the Provincial Government, the Auditor General is of the Opinion that they should have been disallowed by the President of the Assam Legislative Assembly on the ground that they trench on subject which is administered by the Central Government and the member asking the questions informed that Government are brininging the questions to the notice of the responsible authority. The Auditor General desires that Comptroller should request the Provincial Government to bring this position to the notice of the President for future guidance. The Government of India have concurred with the views of the Auditor General expressed above.

3. If such a contingency should happen again, Comptroller should try to get the question disallowed and in any case he should not supply material for a reply without consulting the Auditor General.

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No. W.M.E.1700 A.G.37.

Bombay, the 24th January 1939.

From

THE Accountant - General,

Bombay,

To

The Secretary to Government, in Public Works Department,

Bombay.

Subject:- Interpellations in the Legislative Assembly.

regarding Divisional Accountants.

Sir,

I have the honour to forward herewith a copy of the U.O. R. No.28-N.G.E.354-38, dated 18.1.39 from the Auditor General of India to the Comptroller Assam, for the information of Government and for necessary action.

I have the honour to be,

Sir,

Your most obdient Servant,

Sd/-

Deputy Accountant General.

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2163/36

P.W.Deptt.

Office note.

The papers at pp. 9-11 ante are submitted for information The estabt. of Dnl. Accountants for this province is recruited and controlld in all respects by the A.G., Bombay under the general supervision and direction of the Auditor Genl. of India They are posted or tranferred by the A.G. for service in the P.W.D. Dnl. offices. The Provl. Govt. is not concerned in any matter affecting them. Appendix 2 to the P.W.A. Code gives rules about Dnl. Accountants. The following draft memo. may issue.

Sd/-
4.2.39

Endorse on the A.G.Is letter dated the 24.1.1939.

No. 2163/36. E.
P.W.D. , B.C., 16th Feb. 1939.

Memo.

Copy with a copy of its accompt. forwarded with compliments to the Secy. to the Bombay Leg. Assembly and the Secy. to the Bombay Leg. Council for information and guidance and for taking the necy. action.

By order of the Govr. of Bombay ,

Sd/-

4.2.39.

B.V.P.